connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam for “Presumption of service connection for diseases associated with exposure to certain herbicide agents” in item 1116.


SUBCHAPTER I—GENERAL

§1101. Definitions

For the purposes of this chapter—

(1) the term “veteran” includes a person who

(A) any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such period began before January 1, 1947.

(B) any period of continuous service performed by such veteran after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

(2) the term “period of war” includes, in the case of any veteran—

(A) any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such period began before January 1, 1947; and

(B) any period of continuous service performed by such veteran after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

(3) the term “chronic disease” includes—

Anemia, primary
Arteriosclerosis
Arthritis
Atrophy, progressive muscular
Brain hemorrhage
Brain thrombosis
Bronchiectasis
Calculi of the kidney, bladder, or gallbladder
Cardiovascular-renal disease, including hypertension
Cirrhosis of the liver
Coccidioidomycosis
Diabetes mellitus
Encephalitis lethargica
Endocarditis
Endocrinopathies
Epilepsies
Hansen’s disease
Hodgkin’s disease
Leukemia
Lupus erythematosus, systemic
Myasthenia gravis
Myelitis
Myocarditis
Nephritis
Organic diseases of the nervous system
Osteitis deformans (Paget’s disease)
Osteomalacia
Palsy, bulbar
Paralysis agitans
Psychoses
Purpura idiopathic, hemorrhagic
Raynauld’s disease
Sarcoidosis
Sclerosis, multiple
Sclerosis, amyotrophic lateral
Sclerosis, multiple
Syringomyelia
Thromboangiitis obliterans (Buerger’s disease)
Tuberculosis, active
Tumors, malignant, or of the brain or spinal cord or peripheral nerves
Ulcers, peptic (gastric or duodenal)
and such other chronic diseases as the Secretary may add to this list.

(4) the term “tropical disease” includes—

Amebiasis
Blackwater fever
Cholera
Dracontiasis
Dysenteriy
Filariasis
Hansen’s disease
Leishmaniasis, including kala-azar
Loliasis
Malaria
Onchocerciasis
Oroya fever
Pinta
Plague
Scleroderma
Sclerostomyiasis
Sarcoidosis
Yaws
Yellow fever
and such other tropical diseases as the Secretary may add to this list.

VI, § 590, Jan. 6, 2006, 119 Stat. 3279, provided that:
substituted "Secretary" for "Administrator".
renumbered § 1101 and amended Pub. L. 102–83,
§ 1101, 101 Stat. 304–406.)

AMENDMENTS
1991—Pub. L. 102–83, § 5(a), renumbered section 301 of this title as this section.
1988—Par. (3). Pub. L. 100–322 inserted "Lupus erythematous, systemic" after "Leukemia".
1983—Par. (3). Pub. L. 98–160 substituted a period for the semicolon at end of paragraph following "may add
this list".
1976—Par. (2)(A), (B). Pub. L. 94–433, § 404(1), substituted "such veteran" for "him" in subpars. (A) and (B).
before "Filariasis".

EFFECTIVE DATE OF 1976 AMENDMENT
Section 406 of Pub. L. 94–433 provided that: "The provisions of this Act [see Tables for classification]
shall become effective on October 1, 1976."

EFFECTIVE DATE OF FUTURE INCREASES
provided that: "It is the sense of the Congress that any
increase provided by law to take effect after fiscal year
1984 in the rates of disability compensation and depend-
ency and indemnity compensation payable under chapters
11 and 13, respectively, of title 38, United States
Code, shall take effect on December 1 of the fiscal year
involved and that the budgets for any such fiscal year
include amounts to achieve such purpose."

VETERANS' DISABILITY BENEFITS COMMISSION
V, § 590, Jan. 5, 2006, 118 Stat. 3279, provided that:
"SEC. 1501. ESTABLISHMENT OF COMMISSION."
"(a) Establishment of Commission.—There is hereby
established a commission to be known as the Veterans' Dis-
ability Benefits Commission (hereinafter in this
title referred to as the 'commission').

"(b) Membership.—(1) The commission shall be com-
posed of 13 members, appointed as follows:
"(A) Two members appointed by the Speaker of the
House of Representatives, at least one of whom shall be
a veteran who was awarded a decoration specified in
paragraph (2).
"(B) Two members appointed by the minority lead-
er of the House of Representatives, at least one of whom
shall be a veteran who was awarded a decoration
specified in paragraph (2).
"(C) Two members appointed by the majority lead-
er of the Senate, at least one of whom shall be a vet-
eran who was awarded a decoration specified in
paragraph (2).
"(D) Two members appointed by the minority lead-
er of the Senate, at least one of whom shall be a vet-
eran who was awarded a decoration specified in para-
graph (2).
"(E) Five members appointed by the President, at
least three of whom shall be veterans who were
awarded a decoration specified in paragraph (2).

"(2) A decoration specified in this paragraph is any of the
following:
"(A) The Medal of Honor.
"(B) The Distinguished Service Cross, the Navy
Cross, or the Air Force Cross.
"(C) The Silver Star.
"(D) The Distinguished Flying Cross.
"(E) Any decoration or medal of the United States
Army, Navy, Marine Corps, Air Force, or Coast
Guard, awarded for heroism under circumstances
such as to bring credit to the United States.

"(3) The members shall include at least one
member of each party of the Senate and at least
one member of each party of the House of Repre-
sentatives.

"(4) The President shall designate a
Chairman of the Commission. A vacancy in the
commission shall constitute a quorum, but a lesser number
may hold hearings.

"(5) The commission shall meet at the
call of the Chairman."

"(6) The President shall designate a
majority of the members of the com-
mission as its Chairman."

"SEC. 1502. DUTIES OF THE COMMISSION.
"(a) Study.—The commission shall carry out a study of
the benefits under the laws of the United States that
are provided to compensate and assist veterans and their
survivors for disabilities and deaths attributable
to military service.

"(b) Scope of Study.—In carrying out the study, the
commission shall examine and make recommendations
concerning the following:
"(1) The appropriateness of such benefits under the
laws in effect on the date of the enactment of this
Act [Nov. 24, 2003].

"(2) The appropriateness of the level of such bene-
fits.

"(3) The appropriate standard or standards for deter-
mmining whether a disability or death of a veteran
should be compensated.

"(c) Contents of Study.—The study to be carried out
by the commission under this section shall be a com-
prehensive evaluation and assessment of the benefits
provided under the laws of the United States to com-
penstate veterans and their survivors for disability or
death attributable to military service, together with
any related issues that the commission determines are
relevant to the purposes of the study. The study shall
include an evaluation and assessment of the following:

"(1) The laws and regulations which determine eligi-
ability for disability and death benefits, and other
assistance for veterans and their survivors.

"(2) The rates of such compensation, including the
appropriateness of a schedule for rating disabilities
based on average impairment of earning capacity.

"(3) Comparable disability benefits provided to in-
dividuals by the Federal Government, State govern-
ments, and the private sector.

"(d) Consultation With Institute of Medicine.—In
carrying out the study under this section, the commis-
sion shall consult with the Institute of Medicine of the
National Academy of Sciences with respect to the med-
ical aspects of contemporary disability compensation
policies.

"SEC. 1503. REPORT.
"Not later than October 1, 2007, the commission shall
submit to the President and Congress a report on the
study. The report shall include the following:

"(1) The findings and conclusions of the commis-
sion, including its findings and conclusions with re-
spect to the matters referred to in section 1502(c).

"(2) The recommendations of the commission for
revising the benefits provided by the United States to
veterans and their survivors for disability and death
attributable to military service.

"(3) Other information and recommendations with
respect to such benefits as the commission considers
appropriate.
SEC. 1504. POWERS OF THE COMMISSION.

"(a) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out the purposes of this title.

"(b) INFORMATION FROM FEDERAL AGENCIES.—In addition to the information referred to in section 1502(c), the commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this title. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

"(c) POSTAL SERVICES.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(d) GIFTS.—The commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 1505. PERSONNEL MATTERS.

"(a) COMPENSATION OF MEMBERS.—Each member of the commission who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the commission. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(b) TRAVEL EXPENSES.—The members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

"(c) STAFF.—(1) The chairman of the commission may, without regard to the civil service laws and regulations, appoint an executive director and such other personnel as may be necessary to enable the commission to perform its duties. The appointment of an executive director shall be subject to approval by the commission.

"(2) The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the commission to assist it in carrying out its duties.

"(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1506. TERMINATION OF COMMISSION.

"The commission shall terminate 60 days after the date on which the commission submits its report under section 1503.

SEC. 1507. FUNDING.

"(a) IN GENERAL.—The Secretary of Veterans Affairs shall, upon the request of the chairman of the commission in advance of the availability of such amount as the commission may require to carry out its duties under this title, make such amount available to the commission without regard to the provisions of chapter 51 of title 5, United States Code, for each fiscal year.
§ 1102. Special provisions relating to surviving spouses

(a) No compensation shall be paid to the surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran—

(1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(b) Subsection (a) shall not be applicable to any surviving spouse who, with respect to date of marriage, could have qualified as a surviving spouse for death compensation under any law administered by the Secretary in effect on December 31, 1957.


AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 302 of this title as this section.

Subsec. (b). Pub. L. 102–83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.


Subsec. (a). Pub. L. 94–433, § 404(2), substituted “surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran” for “widow of a veteran under this chapter unless she was married to him”.


1967—Subsec. (a)(2), (3). Pub. L. 90–77 qualified widow of a veteran for receipt of compensation by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

1960—Subsec. (a)(1). Pub. L. 86–491 substituted “fifteen years” for “ten years”.

EFFECTIVE DATE OF 1976 AMENDMENT


EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

§ 1103. Special provisions relating to claims based upon effects of tobacco products

(a) Notwithstanding any other provision of law, a veteran’s disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in the line of duty in the active military, naval, or air service for purposes of this title on the basis that it resulted from injury or disease attributable to the